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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KASHYAP P. PATEL *et al.*,

Plaintiffs,

v.

JIM STEWARTSON,

Defendant.

Case No.: 2:23-cv-873-APG-NJK

**PLAINTIFFS' RESPONSE TO
ORDER TO SHOW CAUSE**

SHOW CAUSE RESPONSE

COME NOW, Plaintiffs KASHYAP P. PATEL et al, by and through undersigned Counsel, SIGAL CHATTAH, ESQ of CHATTAH LAW GROUP and BINNAL LAW GROUP, PLLC, and hereby submit the foregoing Show Cause Response to this Court's Order to Show Cause [ECF 29].

1 On March 4, 2025, this Court issued a show cause for why this case should not be
2 dismissed for failure to prosecute. [ECF 29]. Plaintiffs obtained a clerk's entry of default in
3 December 2023. [ECF 21].

4 Since that time, Plaintiffs began further investigation into the facts of this case in
5 anticipation for an evidentiary hearing to prove up the damages as delineated in Plaintiffs'
6 Motion for Default Judgment, including retaining a specialized expert to attest the special type
7 of damages included in quantifying a damages amount in the field of online reputation
8 management and damages.
9

10 During the pendency of this investigation and attempts to secure forensic expert in
11 support of said Motion for Default Judgment, external issues involving Plaintiff Patel's,
12 nomination and confirmation as Director of the Federal Bureau of Investigation delayed
13 Plaintiffs from moving forward.

14 On March 16, 2025, Plaintiffs filed their motion for default judgment. [ECF 30].
15 Accordingly, good cause exists to not dismiss this action.

16 This Court has previously concluded that good cause did not require a showing of
17 "extraordinary circumstances." *Riner v. Crawford*, 415 F. Supp. 2d 1207, 1210 (2006).
18 Unfortunately, neither the statute itself nor its legislative history define "good cause." Moreover,
19 the cases that have addressed the issue are more helpful in determining what is not good cause,
20 rather than what is. *Wei v. State of Hawaii*, 763 F.2d 370, 372 (9th Cir. 1985) (neither
21 inadvertence of counsel nor plaintiff's desire to amend his complaint before service
22 constitute good cause); *Ruley v. Nelson*, 106 F.R.D. 514, 518 (D. Nev. 1985) (counsel's ignorance
23 of Rule 4(j) no excuse and desire to learn more about the case insufficient); *Arroyo v. Wheat*, 102
24 F.R.D. 516, 518 (D. Nev. 1984) (Rule 4(j) is aimed at inadvertent or heedless
25

1 nonservice); *Coleman, supra*, at 477-478 (inadvertence of new lawyer in not discovering original
 2 lawyer's failure to serve is not good cause). *Le Master v. Winnemucca*, 113 F.R.D. 37 (1986).

3 Despite the fact that “good cause” is not necessarily defined in the various cases provided
 4 *supra*, it is clear that there need **not** be a showing of “extraordinary circumstances” to
 5 demonstrate good cause.

6 Here, in light of Plaintiffs’ explanation above, it is clear that good cause exists for the
 7 delay. Furthermore, there is no prejudice to Defendant as he has not participated in these
 8 proceedings, despite having full knowledge of this matter, as evidenced in Plaintiffs’ motion for
 9 default judgment.
 10

11 Therefore, Plaintiffs respectfully request that this Court maintain this action and
 12 ultimately grant their motion for default judgment.

13 WHEREFORE, this matter should not be dismissed for failure to prosecute.

14 Dated: March 18, 2025

Respectfully submitted,

/s/Sigal Chattah

Sigal Chattah, Esq.

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